

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

GAVRIELI BRANDS LLC, a California
Limited Liability Company,

Plaintiff,

v.

SOTO MASSINI (USA)
CORPORATION, a Delaware corporation;
SOTO MASSINI S.R.L.S., an Italian
limited company; and THOMAS
PICHLER, an individual,

Defendants.

C.A. No. 1:18-cv-00462-MN

MOTION BY DEFENDANTS' FORMER COUNSEL TO WITHDRAW

Pursuant to D. Del. LR 83.7 (“Substitution and Withdrawal of Attorney”),¹ the undersigned, former patent and IP litigation counsel to Defendants in this closed action tried to a jury verdict in May 2019, respectfully requests an order from this Court permitting counsel formally to withdraw as counsel of record. Pursuant to Local Rule 7.1.1, the undersigned states that a reasonable effort has been made to reach agreement with the opposing party on the matters set forth in the instant Motion, but agreement was not reached.

¹ The rule requires an “order on a motion duly noticed to each party and served on the party client, at least 14 days before the motion is presented, by registered or certified mail addressed to the client’s last known address,” all of which has been completed. *See* Lobbin Decl. ¶ 2.

Although in most closed actions a formal withdrawal of counsel is not required after a final judgment (and post-judgment motions), this Motion was prompted because Plaintiff recently filed a “Notice of Service” (*see* D.I. 186) stating as follows:

Please take notice that on October 23, 2020, Gavrieli Brands LLC’s First Set of Post-Judgment Requests for Productions to Defendants Soto Massini (USA) Corporation and Thomas Pichler and Gavrieli Brand LLC’s First Set of Post-Judgment Interrogatories to Defendants Soto Massini (USA) Corporation and Thomas Pichler were served via electronic mail on the following counsel of record for Defendants:

Stamatios Stamoulis
Stamoulis & Weinblatt LLC
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Stephen M. Lobbin
Austin R. Richardson
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D.I. 186.

As counsel signing the “Notice of Service” is well aware, for more than a year the above listed (and below signed) counsel have had no relationship—much less any attorney-client relationship—with Defendants. *See* Lobbin Decl. ¶ 3. In fact, in October 2019 after reviewing the issue of a formal withdrawal, this Court ordered that “discovery in this case is STAYED until post-trial motions are decided.” D.I. 168. Thereafter, on May 13, 2020 this Court entered its Amended Judgment. *See* D.I. 184. Now, five months later and without notifying the undersigned, Plaintiff filed its recent “Notice of Service.” Therefore, the issue of the undersigned counsel’s request for leave to formally withdraw from this action is now again ripe.

This matter is closed. If Plaintiffs wish to collect a judgment enforcement action and seek discovery in that matter in aid of collecting their judgment, they are free to do so. Counsel in the above captioned ***closed*** matter should not be made to continue to serve as counsel to a client that has not communicated with them for over a year.

For the foregoing reasons, the undersigned counsel requests that this Court enter an order confirming the formal withdrawal of the undersigned counsel from this action.

Respectfully submitted,

Dated: November 20, 2020

STAMOULIS & WEINBLATT LLC

OF COUNSEL:

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[PROPOSED] ORDER GRANTING MOTION

IT IS HEREBY ORDERED counsel's motion to withdraw is GRANTED.

Dated: _____, 2020

United States District Judge

CERTIFICATE OF SERVICE

I certify that on November 20, 2020, a true and correct copy of the foregoing document was served via email on all counsel of record.

/s/ Stamatios Stamoulis